

23 MAY 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901

In Re Application of
SALOMA et al.
Application No.: 10/529,043
PCT No.: PCT/PH02/00018
Int. Filing Date: 27 September 2002
Priority Date: None
Attorney Docket No.: 0002200USU/2280
For: TWO-COLOR (TWO PHOTON) EXCITATION
BEAMS AND A RAMAN SHIFTER

DECISION

This decision on applicant's "Petition for reconsideration of the Declaration filed under 4.17" filed in the United States Patent and Trademark Office (USPTO) on 16 January 2007.

BACKGROUND

On 27 September 2002, applicant filed international application No. PCT/PH02/00018 with an executed declaration under PCT Rule 4.17. The international application designated the United States but did not claim a priority date. Thereafter, on 24 March 2005, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage and the basic national stage filing fee.

On 28 July 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), and the surcharge for filing the oath or declaration, was required.

On 15 September 2005, applicant filed a response to the 905, indicating that the declaration and power of attorney was filed under PCT Rule 4.17(iv).

On 21 July 2006, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant indicating that applicant had not responded to the 905.

On 2 August 2006, applicant filed a petition indicating that the declaration was filed with the international application on 27 September 2002 along with a copy of the Request. Applicant urged that the Form PCT/DO/EO/909 be vacated.

On 09 November 2006, a decision dismissing applicant's petition was mailed, indicating that it appeared that applicant had submitted two separate declarations with the Request.

On 16 January 2007, applicant filed the instant petition with an explanation.

DISCUSSION

The evidence presented is sufficient to conclude that an executed declaration, pursuant to PCT Rule 4.17, was filed with the International application as part of the Request on 27 September 2002. With the instant petition, applicant submitted a complete copy of the Request. A review of Box VIII of the Request (DECLARATIONS) indicates that Declaration of inventorship (only for the purposes of the designation of the United States of America) was contained in Box VIII(iv). At the bottom of Box VIII(iv), it is noted that the check box indicating "This declaration is continued on the following sheet, 'Continuation of Box No. VIII(iv)." was marked. This portion of page 5 was not reproduced in the original petition. It is now clear upon review of the Request, that the declaration under PCT Rule 4.17 indicated the names of all inventors and satisfies the requirements of 37 CFR 1.497(a) and (b).

CONCLUSION

The "Petition for reconsideration of the Declaration filed under 4.17" is **GRANTED**. The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 26 February 2007 remains in effect.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone: (571) 272-3286
Facsimile: (571) 273-0459